

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

WARREN SMITH,)
)
 Plaintiff,)
)
 v.) CA 04-30205-MAP
)
 FREDERICK MACDONALD,)
)
 Respondent.)

FILED
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2005 FEB 17 P 2:26
U.S. DISTRICT COURT
DISTRICT OF MASS.

RESPONDENT'S SECOND REQUEST FOR EXTENSION OF TIME

The respondent, the Department of Homeland Security, Immigration and Customs Enforcement, by its attorney, Michael J. Sullivan, United States Attorney for the District of Massachusetts, hereby moves to extend by an additional sixty days, to April 18, 2005, the deadline for responding to the plaintiff's petition. As grounds for this motion, the respondent states that the undersigned counsel and the plaintiff's attorney have been exploring potential administrative options and other beneficial alternatives available to the plaintiff and that may render the present petition moot. The parties are continuing to work towards a resolution of this matter short of a hearing, but require more time to determine if such a resolution is feasible.

In accordance with Local Rule 7.1, the undersigned Assistant U.S. Attorney certifies that he conferred with the plaintiff, thorough counsel, Andrew Gilbert, Esq., and he assents to this motion.

WHEREFORE, the respondent respectfully requests that the deadline for filing its response be extended to April 18, 2005.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By:


Thomas J. O'Connor, Jr.
Assistant U.S. Attorney


DATED: February 17, 2005

CERTIFICATE OF SERVICE

This is to certify that I have this day served upon the person listed below a copy of the foregoing document by depositing in the United States mail a copy of same in an envelope bearing sufficient postage for delivery:

Andrew Gilbert, Esq.
3 Brimfield Road
Monson, MA 01057

This 17th Day of February, 2005.


Thomas J. O'Connor, Jr.
ASSISTANT U.S. ATTORNEY